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Military Order of Foreign Wars of the United States, New York Commandery

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BY-LAWS

Military Order of Foreign Wars

OF THE

UNITED STATES

NEW YORK COMMANDERY

1895

MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES
DEUS ET LIBERTAS
NEW YORK COMMANDERY
1894

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OFFICERS OF

Military Order of Foreign Wars

OF THE UNITED STATES.

NEW YORK COMMANDERY.

Commander,

DAVID BANKS, - - 20 Murray Street, New York

Vice-Commander.

JAMES H. MORGAN, - 89 Liberty Street, New York

Judge Advocate,

FRANK M. AVERY.

Treasurer,

JOHN K. OLYPHANT, - 62 East 54th Street, New York

Registrar,

DWIGHT LATHROP ELMENDORF.

Secretary,

ROBT. WEBB MORGAN, - 89 Liberty Street, New York

Surgeon,

CLARKSON CROSBY SCHUYLER, M.D.

Chaplain,

REV. T. STAFFORD DROWNE, D.D.

Companions of the Council,

GENERAL ALEXANDER S. WEBB, U.S.A.,
GENERAL FITZ JOHN PORTER, U.S.A.,
GENERAL JOHN P. HATCH, U.S.A.,
GENERAL GUSTAVUS W. SMITH,
COLONEL DELANCEY FLOYD-JONES, U.S.A
COLONEL JOHN C. CALHOUN,
LIEUTENANT IRVING M. AVERY, U.S.V.,
HON. CHARLES H. MURRAY,
MATURIN L. DELAFIELD, JR.

Standing Committees.

COMMITTEE ON COMPANIONSHIP.

General ALEXANDER S. WEBB,
Colonel DELANCEY FLOYD-JONES,
JAMES HENRY MORGAN,
HENRY ANTHON BOSTWICK,
GEORGE LIVINGSTON NICHOLS.

COMMITTEE ON NOMINATIONS.

WILLIAM LINN KEESE,
General FRANCIS E. PINTO,
Lieutenant IRVING M. AVERY,
MARSHALL B. STAFFORD,
General ALEXANDER S. WEBB.

PREAMBLE.

Whereas, In the providence of God, victory crowned the efforts of the forces engaged in establishing and maintaining the principles contended for by the American Colonies of Great Britain and, later, by the United States of America against foreign foes, in the conflicts known as :

THE WAR OF THE REVOLUTION.
THE WAR WITH TRIPOLI,
THE WAR OF 1812 ; and
THE MEXICAN WAR.

Therefore, The MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES, NEW YORK COMMANDERY, has been instituted to honor and perpetuate the names of brave and loyal men ; to keep in mind the memory of their glorious deeds and the victories which they helped to gain ; to strengthen the ties of fellowship among the Companions of the Order ; to foster the cultivation of Military and Naval Science ; and to maintain National Honor, Union and Independence.

INSTITUTION.

MILITARY AND NAVAL ORDER
OF THE
UNITED STATES,
IN THE STATE OF NEW YORK.

DECLARATION.

Whereas, In the providence of God victory crowned the efforts of the forces engaged in establishing and maintaining the principles contended for by the American Colonies of Great Britain and later by the United States of America in the conflicts known as:

The War of the Revolution.
The War of 1812.
The War with Tripoli and
The Mexican War against foreign foes; and

Whereas, The Military and Naval Order of the United States in the State of New York, has been instituted to honor and perpetuate the names of brave and loyal men, to keep in mind the memory of their glorious deeds and the victories which they helped to gain; to strengthen the ties of fellowship among the Companions of the Order, to foster the cultivation of Military and Naval Science, and to maintain National Honor, Union and Independence. Now, we Companions of the Order, do hereby declare upon honor that

we and each of us will use our efforts to promote the purposes of this Order, and will observe the Constitution and By-Laws of the same, and will support the Constitution of the United States of America.

CHARTER MEMBERS.

December 27, 1894.

Signed.

FITZ JOHN PORTER, Representing War 1812 and Veteran of the Mexican War.

FRANCIS EFFINGHAM PINTO, Veteran Mexican War.

JAMES HENRY MORGAN, Representing War 1812.

FRANK MONTGOMERY AVERY, Representing Revolutionary War.

ROBERT WEBB MORGAN, Representing War 1812.

DAVID BANKS, Representing Revolutionary War, War 1812 and Mexican War.

THOMAS STAFFORD DROWNE, D.D., Representing Revolutionary War.

GEORGE W. OLNEY, Representing Revolutionary War and War 1812.

JOHN PORTER HATCH, Veteran of the Mexican War.

JOHN C. CALHOUN, Representing Revolutionary War.

MATURIN L. DELAFIELD, Jr., Representing War 1812.

WILLIAM LINN KEESE, Representing Revolutionary War.

DELANCEY FLOYD-JONES, Veteran Mexican War.

CHARLES H. MURRAY, Representing Revolutionary War and War 1812.

EGBERT L. VIELE, Veteran Mexican War.

MARSHALL B. STAFFORD, Representing War 1812.
GUSTAVUS W. SMITH, Veteran Mexican War.
ALEXANDER S. WEBB, L.L. D., Representing Revolutionary War.
IRVING M. AVERY, Representing Revolutionary War.

Whereas, The Institution of the Military and Naval Order of the United States in the State of New York, is herewith instituted by Veteran Officers and Direct Male Lineal Descendents in the Male line of Veteran Officers in the War of the Revolution; War of 1812; War with Tripoli and the Mexican War.

Therefore be it Resolved, By the unanimous vote of all present at this adjourned meeting, held for the organization of said Order, that

MOSES CLEVELAND of Dubuque, Iowa, Veteran of the War of 1812 and son of Colonel Augustine Cleveland, Veteran of the War of 1812.
DYER PIERCE of Belvedere, Boone County, Illinois; Ensign and Veteran of the War of 1812, and
MICHAEL MOORE, Lieutenant U. S. A., Veteran of the War 1812, be and they hereby are constituted and entitled Veteran Companions of this Order.

Further Resolved, That said three Veteran Companions be and hereby are made exempt from payment of initiation fees, and annual dues respectively.

Further Resolved, That this Resolution receive the signatures of each Companion of the Order present

and be incorporated and attached to and made a part of this Institution.

Further Resolved, That a certified copy of the Institution and Resolution thereto attached be forwarded to said Moses Cleveland, Ensign Dyer Pierce and Lieutenant Michael Moore, executed and countersigned by the proper Officers of the Military and Naval Order of the United States in the State of New York.

Done at a meeting in the City of New York, January 10, 1895.

(Signed.)

ALEXANDER S. WEBB, Brevt.-Major General, U. S. Army, Chairman.

FITZ JOHN PORTER, Colonel and Brevt.-Brig.-General, U. S. Army.

JOHN P. HATCH, Colonel and Brevt.-Brig.-General, U. S. Army.

IRVING M. AVERY, Lieutenant and Quartermaster, N. Y. S. Vol.

MATURIN L. DELAFIELD, JR.

JAMES H. MORGAN,

GUSTAVUS W. SMITH, Major-General.

FRANK M. AVERY.

EGBERT L. VIELE, Brigadier-General, U. S. V.

JOHN C. CALHOUN, Capt.

GEORGE W. OLNEY.

DELANCEY FLOYD-JONES, Colonel, U. S. A.

CHARLES H. MURRAY.

CERTIFICATE OF INCORPORATION

OF THE

Military and Naval Order of the United States

IN THE STATE OF NEW YORK.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } ss.:

We, Frank Montgomery Avery, James Henry Morgan, Robert Webb Morgan, David Banks, Irving Montgomery Avery, John Porter Hatch, Fitz John Porter, Alexander S. Webb, Maturin L. Delafield, Jr., Gustavus W. Smith, John C. Calhoun, Egbert L. Viele, George W. Olney, De Lancey Floyd-Jones, and Charles H. Murray being all of full age and citizens of the United States, and a majority being citizens of the State of New York and resident therein, being desirous of associating ourselves together and of forming ourselves into a society for patriotic and social purposes, as hereinafter more particularly set forth, pursuant to and in conformity with an Act of the Legislature of the State of New York, passed May 12, 1875, entitled: "An Act for the Incorporation of Societies or Clubs for certain lawful purposes," and the several Acts of the said Legislature amending and extending the same, do hereby certify and declare:

FIRST.

That the corporate name by which said Society shall be known and distinguished in law is and shall be

MILITARY AND NAVAL ORDER OF THE UNITED STATES IN THE STATE OF NEW YORK.

SECOND.

That the particular business and objects of said Society are patriotic and social, and are as follows, viz: to perpetuate the names and memory of brave and loyal men who took part in establishing and maintaining the principles of the Government of the United States in the wars known as

The War of the Revolution,
The War of 1812,
The War with Tripoli, and
The Mexican War;

to promote a feeling of fellowship among its members; to preserve records and documents relating to said wars, and to celebrate the anniversaries of historic events connected therewith.

THIRD.

That the number of managers of said Society to manage the same shall be fifteen; and that the names of said managers for the first year of its existence are Frank Montgomery Avery, James Henry Morgan, Robert Webb Morgan, David Banks, Irving Mont-

gomery Avery, John Porter Hatch, Fitz John Porter, Alexander S. Webb, Maturin L. Delafield, Jr., Gustavus W. Smith, John C. Calhoun, Egbert L. Viele, George W. Olney, De Lancey Floyd-Jones and Charles H. Murray.

FOURTH.

That the principal office of said Society shall be in the City of New York, in the County and State of New York.

In Witness Whereof we have hereunto set our hands and affixed our seals, in duplicate, this twenty-seventh day of December in the year one thousand eight hundred and ninety-four.

FRANK MONTGOMERY AVERY,	[L. S.]
JAMES HENRY MORGAN,	[L. S.]
ROBERT WEBB MORGAN,	[L. S.]
DAVID BANKS,	[L. S.]
IRVING MONTGOMERY AVERY,	[L. S.]
JOHN PORTER HATCH,	[L. S.]
FITZ JOHN PORTER,	[L. S.]
ALEXANDER S. WEBB,	[L. S.]
MATURIN L. DELAFIELD, Jr.,	[L. S.]
GUSTAVUS W. SMITH,	[L. S.]
JOHN C. CALHOUN,	[L. S.]
EGBERT L. VIELE,	[L. S.]
GEORGE W. OLNEY,	[L. S.]
DE LANCEY FLOYD-JONES,	[L. S.]
CHARLES H. MURRAY.	[L. S.]

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } *ss.:*

On this twenty-seventh day of December, in the year one thousand eight hundred and ninety-four, before me personally came Frank Montgomery Avery, James Henry Morgan, Robert Webb Morgan and David Banks to me known and known to me to be four of the individuals described in and who executed the foregoing instrument and they respectively signed the same before me and they severally acknowledged that they executed the same for the purpose therein mentioned.

STEPHEN W. LININGTON,
Notary Public, Kings County.
Certificate filed in New York County.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } *ss.:*

On this tenth day of January, in the year one thousand eight hundred and ninety-five, before me personally came Irving Montgomery Avery, John Porter Hatch, Fitz John Porter, Alexander S. Webb Maturin L. Delafield, Jr., and Gustavus W. Smith to me known and known to me to be six of the individuals described in and who executed the foregoing instrument and they respectively signed the same before me

and they severally acknowledged that they executed the same for the purposes therein mentioned.

STEPHEN W. LININGTON,
Notary Public, Kings County.
Certificate filed in New York County.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } *ss.:*

On this eleventh day of January, in the year one thousand eight hundred and ninety-five, before me personally came John C. Calhoun, Egbert L. Viele and George W. Olney to me known and known to me to be three of the individuals described in and who executed the foregoing certificate and they respectively signed the same before me and they severally acknowledged that they executed the same for the purposes therein mentioned.

STEPHEN W. LININGTON,
Notary Public, Kings County.
Certificate filed in New York County.

STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK } *ss.:*

On this twelfth day of January, in the year one thousand eight hundred and ninety-five, before me personally came De Lancey Floyd-Jones and Charles

H. Murray to me known and known to me to be two of the individuals described in and who executed the foregoing certificate and they respectively signed the same before me and they severally acknowledged that they executed the same for the purposes therein mentioned.

STEPHEN W. LININGTON,
Notary Public, Kings County.
Certificate filed in New York County.

I hereby approve of the Incorporation of the "MILITARY AND NAVAL ORDER OF THE UNITED STATES IN THE STATE OF NEW YORK" and consent that the within certificate be filed.

(Signed) GEO. C. BARRETT,
J. S. C.

New York City, January 14th, 1895.

CHANGE OF TITLE.

At a Special Term of the Supreme Court of the State of New York held at the County Court House in the City of New York, on the 21st day of June, 1895. Present.

HON. EDWARD PATTERSON, *Justice.*

In the matter of the application of the "Military and Naval Order of the United States in the State of New York," for leave to change its corporate name,

to "MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES;" NEW YORK COMMANDERY.

Upon reading and filing Petition of the "Military and Naval Order of the United States in the State of New York," a domestic corporation, duly verified by David Banks, Commander, being the presiding officer of said Corporation on the 6th day of May, 1895, pursuant to a resolution of the Board of Directors of the said Corporation and on all papers and proceedings in this matter, and upon filing the certificate of the Secretary of State, annexed to the petition, certifying that the name Military Order of Foreign Wars of the United States; New York Commandery, is not the name of any other domestic corporation or a name which he deems so nearly resembling such name as to be calculated to deceive, and upon filing due proof by affidavit showing that the notice of the representation of said petition has been duly published as required by law, once in each week, for six successive weeks, immediately prior to the presentation of the petition herein, in the New York *Law Journal* and in the New York *Tribune*, two daily newspapers, published in the City and County of New York, where said Corporation has its business office, and the Court being satisfied by said petition and by affidavit and certificate presented therewith, that the petition is true and that there is no reasonable objection to the change of name proposed and that the petition has

been duly authorized and that notice of the presentation of the petition as required by law has been made. Now, on motion of Phillips & Avery, Attorneys for said petitioners, no one opposing, it is

Ordered, That the prayer of the said petitioner be and the same hereby is granted, and that the petitioner, Military and Naval Order of the United States in the State of New York be, and it hereby is authorized to assume another corporate name, to wit: the name MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES, NEW YORK COMMANDERY, on and after the 22d day of July, 1895, and it is further

Ordered, That this order be entered and all papers on which it is granted be filed, within ten days from the date hereof, in the office of the Clerk of the City and County of New York where the certificate of incorporation of said corporation is filed, and that a certified copy of this order, within ten days after the entry thereof be filed in the office of the Secretary of State of the State of New York, and it is further

Ordered, That within ten days after the entry of this order, a copy of same be published once in each week for four successive weeks in the New York *Law Journal*, a newspaper published in the City and County of New York, beginning within ten days after the entry hereof. (Signed.) A copy,

HENRY D. PURROY, *Clerk.*

[Seal.]

CONSTITUTION.

ARTICLE I.

NAME.

This society shall be known as the "MILITARY ORDER OF FOREIGN WARS OF THE UNITED STATES." New York Commandery.

ARTICLE II.

PRINCIPLES.

This Order acknowledges as its fundamental principles:

First—A firm belief and trust in Almighty God, extolling Him under whose benevolent guidance the principles contended for have been secured and the blessing of civil liberty established.

Second—True allegiance to the United States of America, based upon a paramount respect for and fidelity to the National Constitution and Laws.

ARTICLE III.

COMPANIONSHIP.

SECTION I. Any male person, above the age of twenty-one years, a citizen of the United States, of good moral character and reputation, shall be eligible to Companionship in this Order, upon further qualify-

ing as hereinafter provided. Members shall be known as "Companions," and shall be either "Veteran Companions"; or "Hereditary Companions."

VETERAN COMPANIONS.

SECTION II. These shall be Commissioned Officers in the Army, Navy or Marine Corps of the United States or honorably discharged therefrom, who did active field, garrison or naval duty in any of the wars designated in Section IV of this Article, as a soldier, sailor or marine in the service of one of the States or of the United States; and also persons who did such active field, garrison or naval duty, in any of said wars, as Commissioned Officers therein, and who received their commissions by direct act of either Federal or State authority and who were honorably discharged from service.

HEREDITARY COMPANIONS.

SECTION III. These shall be the direct male lineal descendants, in the male line, of any Veteran Companion; *Provided*, that in case any Veteran Companion has no direct male lineal desendant, he shall have the privilege of nominating as his representative and successor, a brother or a nephew of the same family name, and also the direct male lineal descendants, in the male line, of a Commissioned Officer, as the Propositus, who performed active field, garrison or naval duty, as a Commissioned Officer, in any of said

wars, and who received his commission by direct act of one of the thirteen original Colonies, or of Vermont, or of the Continental Congress, or of one of the States, or of the United States.

Provided, That such Propositus remained always loyal to his cause and was either killed or died in service, or was honorably discharged therefrom, and

Provided. That when the claim to eligibility is based upon the service of an ancestor in the "Militia," it must be satisfactorily shown that such ancestor was actually called into the service of one of said thirteen original Colonies, or of Vermont, or of the Continental Congress, or of one of the States, or of the United States, and performed garrison or field duty, and

Provided, That when the claim to eligibility is based upon the service of an ancestor as a "Naval or Marine Officer," it must be satisfactorily shown that such service was regularly performed in the Continental Navy, or in the Navy of one of the thirteen original Colonies, or of Vermont, or of one of the States, or of the United States, or on an armed vessel, other than a merchant ship, which sailed under letters of marque and reprisal, and that such ancestor was duly enrolled in the ship's company as a Commissioned Officer.

SECTION IV. Such service must be satisfactorily shown to have been performed in one of the following wars:

THE WAR OF THE REVOLUTION, between the 19th day of April, 1775, and the 19th day of April, 1783;

THE WAR WITH TRIPOLI, between the 10th day of June, 1801, and the 4th day of June, 1805;

THE WAR OF 1812, between the 18th day of June, 1812, and the 18th day of February, 1815;

THE MEXICAN WAR, between the 9th day of May, 1846, and the 4th day of July, 1848.

SECTION V. No applicant shall be admitted to Companionship in this Order who is not judged to be worthy of becoming a supporter and Companion thereof.

SECTION VI. The President of the United States; Ex-Presidents of the United States; General Officers of the Army of the United States, not below the rank of Major General; Flag Officers of the Navy of the United States, not below the rank of Rear Admiral, shall alone be eligible to honorary Companionship in this Order; and, when admitted, shall be known as "Honorary Companions."

SECTION VII. No amendment of this Article, or of any Section thereof, relaxing the spirit or letter of the rule governing the requirements for eligibility to Companionship in this Order, shall be in any way effectual unless the same shall have received, before its passage, the consent, in writing of three-fourths of

all the Veteran and Hereditary Companions of the Order in good standing, and shall have been adopted at a regular meeting of the Order, after such consents shall have been filed with the Secretary.

ARTICLE IV.

ORGANIZATION.

SECTION I. The Military Order of Foreign Wars of the United States shall be composed of a National Commandery and State Commanderies.

SECTION II. There shall be but one Chapter of the Military Order of Foreign Wars of the United States, in any State, and the same shall be known as Commandery, each Commandery being designated by the name of the respective State. The District of Columbia shall be regarded as a State within the meaning of the term when used in this Constitution in reference to State Commanderies. The relative seniority of the several State Commanderies shall be determined by the respective dates of their institution.

SECTION III. For the purpose of forming the National Commandery of the Military Order of Foreign Wars of the United States, the Military Order of Foreign Wars of the United States, New York Commandery, shall have power to authorize duly admitted Companions of the Order to form co-ordinate Commanderies in their respective States upon the application of nine or more Companions, and to take such

proceedings as may be necessary for the due and legal institution, incorporation or existence of the same. No State Commandery shall, at any time, adopt any rule of eligibility for Companionship other than set forth in Article III above. As soon as State Commanderies shall have been formed in three States, the Officers thereof shall meet and proceed to form and organize the National Commandery of the Military Order of Foreign Wars of the United States. The Constitution of the National Commandery of the Military Order of Foreign Wars of the United States shall not contain any rule of eligibility for Companionship other than that set forth in Article III, above.

ARTICLE V.

ADMISSION OF COMPANIONS.

SECTION I. Every application for Companionship in this Order shall be made in writing, upon the official blank, in duplicate, upon affidavit, subscribed by the applicant, who shall be nominated and approved by at least two Companions of the Order over their signatures, and shall be accompanied by a letter, written by one of the nominators, vouching for the personal worthiness of the applicant

SECTION II. Applications must contain full and sufficient proof of eligibility, satisfactory to the Committee on Companionship, who shall carefully investigate the same and report at the next Meeting of the

of the Council their recommendation thereon. Companions shall be elected by vote of the Council of the Order. One negative vote in five of the ballots cast shall cause a rejection of the applicant. Payment of the initiation fee and annual dues and subscription to the Declaration specified in the Constitution of the Order, shall be a prerequisite of Companionship.

ARTICLE VI.

DECLARATION.

Every Companion of this Order shall declare upon honor that he will use his best efforts to promote the purposes of the Order and that he will observe the Constitution and By-Laws of the same and shall further declare that he will support the Constitution of the United States. Such declaration shall be either written in a book kept for that purpose or printed upon the application blanks for Companionship and shall be subscribed by the Companion making the same.

ARTICLE VII.

INSTITUTION CONSIDERED.

At every Meeting the principles and purposes of the Order shall be carefully considered and the best means to promote them adopted, no question however, involving any religious matter or the party politics of the day within the United States, shall ever be discussed at any Meeting of the Order.

ARTICLE VIII.

OFFICERS.

The Officers of the Military Order of Foreign Wars of the United States, New York Commandery shall be a Commander, a Vice-Commander, a Judge Advocate, a Secretary, a Deputy Secretary, a Treasurer, a Registrar, a Surgeon and a Chaplain, who shall be chosen by ballot, at every Annual Meeting, from among the Companions of the Order, and who shall, with the exception of the Surgeon and the Chaplain, be ex-officio Companions of the Council. The Officers shall hold office for the period of one year, or until their successors are duly elected.

ARTICLE IX.

COMPANIONS OF THE COUNCIL.

There shall be a Council or Board of Managers consisting of eight Companions in addition to the seven ex-officio Companions, who shall be elected at every Annual Meeting.

ARTICLE X.

COMMITTEE.

There shall be a Committee on Companionship, consisting of five Companions, who shall be elected at every Annual Meeting of the Order.

The Order shall at every Annual Meeting of the Order, appoint or name five Companions to act as a

Nominating Committee, and who, one month before the next ensuing Annual Meeting, shall report a list of names to be voted at such next ensuing Annual Meeting to fill the vacancies in office and Committees above described. The names and the offices and positions for which such persons are nominated shall be sent to the Companions two weeks before the election.

ARTICLE XI.

COMMEMORATION.

It shall be a standing regulation that the Companions of the Order shall, when practicable, hold a commemorative celebration and dine together at least once a year.

ARTICLE XII.

SEAL.

The Seal of the Order shall be two and one-half inches in diameter and shall be as follows:

In the center a Shield and within same an Anchor and two Crossed Swords; surrounding the Shield in the field Thirteen Stars; above a ribbon bearing the motto of the Order: "Deus et Libertas." Below, in the field the words, "New York Commandery." The whole encircled by a band, corded on the outer edge, bearing the words: "Military Order of Foreign Wars of the United States," and upon the band, at the bottom of the same, the figures "1894."

ARTICLE XIII.

INSIGNIA OR STAR OF THE ORDER.

The Insignia or Star of the Order shall be an order or badge, pendant by a laurel wreath and ring of gold from a ribbon; which badge or order shall be as follows:

Obverse—A red enameled star of eight points, each star-point edged and divided by a line of gold; and between each two star-points, rays of burnished gold, joined, and ending in a point; and in the center an eagle of raised and chased gold with extended wings.

Reverse—Stars and rays the same. In the center within a circular band of blue enamel, edged with gold, and bearing in gold, the motto: "Deus et Libertas," an anchor and crossed swords upon a field of red.

The ribbon shall be of watered silk, ribbed, one inch and one-half in width and one inch and one-half displayed length, of buff, bordered with blue and edged with red; the border and edge to be respecttively, one-eighth of an inch in width.

The order shall be worn by Companions, conspicuously, and only on the left breast, on all occasions when they assemble as such for any stated purpose or celebration, except that Veteran Companions, Officers and Past-Officers of the Order may wear the Insignia suspended by the ribbon around the neck.

The Order or Insignia may also be worn by Companions on all occasions of ceremony in which they

may participate in an official capacity and upon other occasions where by recognized custom and usage the wearing of such Insignia is appropriate.

The Order shall never be worn except in the manner and under the conditions herein prescribed, nor shall the ribbon be displayed separately, nor shall the star be worn as an article of jewelry.

No Companion shall receive more than one star of the Order, unless to replace one the loss of which shall first be satisfactorily established.

On occasions other than Meetings for a stated purpose or celebration, Companions may wear a rosette of the prescribed ribbon and pattern in the upper button-hole of the left lapel of the coat.

The Treasurer of the Order shall have the custody of and issue the Insignia, and shall keep a record of all of same issued by him.

ARTICLE XIV.

AMENDMENTS.

No alteration or amendment of this Constitution shall be made, unless notice shall have been given in writing, signed by the Companion proposing the same, at a previous regular meeting. No amendment shall be made unless adopted by a two-thirds vote of the Companions of the Order in good standing, by a vote in person or by written proxy at a meeting voting upon the same.

This Article shall not apply to amendments of Article III, which contains its own amendatory clause.

Military Order of Foreign Wars
OF THE
United States.

NEW YORK COMMANDERY.

BY-LAWS.

SECTION I.

INITIATION FEE, ANNUAL DUES AND CONTRIBUTIONS.

The initiation fee shall be Ten Dollars. The annual dues shall be Three Dollars, which shall be payable on or before the first day of January in every year. The payment at one time of Fifty Dollars shall thereafter exempt the Companion so paying from payment of annual dues. Any Companion who shall contribute Two Hundred and Fifty Dollars to the "Permanent Fund" of the Order shall be exempt from the payment of annual dues, and this exemption shall extend in perpetuity to his lineal successors in Companionship from the same propositus, one at a time, who may be selected for such exemption by the Council of the Order.

SECTION II.

PERMANENT FUND.

There shall be a "Permanent Fund" to be derived

from contributions, and which shall remain forever to the use of the Order, the income only of which shall be expended.

SECTION III.

COMMANDER.

The Commander, or in his absence the Vice-Commander, or in his absence a Chairman *pro tempore*, shall preside at all Meetings of the Order and of the Council, and shall exercise the usual functions of a presiding officer, under general parliamentary rules, subject to an appeal to the Order, in proper cases under such rules. The Commander shall be, ex-officio, a member of all Committees other than the Committee on Nominations and Committee on Companionship.

He shall have the power to convene the Council at his discretion, or upon the written request of five Companions of the Order, or upon like request of two Companions of the Council, and to appoint the place of such Meeting when called by him.

He shall also perform such other representative duties on behalf of the Order, either personally or by correspondence as the Order or the Council may find desirable or necessary, or as customarily appertain to his office; and he shall enforce a strict observance of the Constitution and By-Laws of the Order.

In case of his decease, resignation, neglect to serve or inability from any cause to act as Commander, the duties of the office shall devolve on the Vice-Com-

mander until the vacancy caused by such decease, resignation or neglect to serve shall be filled, or until his inability shall cease.

SECTION IV.

VICE-COMMANDER.

The Vice-Commander shall preside at all meetings of the Order and of the Council in the absence of the Commander, and shall in such case exercise the usual functions of a presiding officer under general parliamentary rules, subject to an appeal to the Order, in proper cases under such rules; and shall perform the duties customarily appertaining to his office in case of the decease, resignation, neglect to serve, or inability from any cause of the Commander to act until the vacancy caused by such decease, resignation or neglect to serve, shall be filled or until the inability shall cease.

SECTION V.

JUDGE ADVOCATE.

The Judge Advocate shall be an Attorney at Law of at least ten years' standing, and it shall be his duty to give legal opinion upon questions of law for the benefit of the Order when called upon so to do by the Commander or by the Council. He shall represent the Order at every Meeting of the Council called to consider charges preferred against any Companion looking toward the expulsion or suspension of such Companion.

SECTION VI.

SECRETARY.

The Secretary shall conduct the general correspondence of the Order, and shall keep a record thereof. He shall notify all elected Candidates of their election and shall perform such other duties as the Order or his office may require. He shall have charge of the Seal, Certificates of Incorporation, By-Laws, Historical and other records of the Order other than those required to be deposited with the Registrar, and shall affix the seal to all properly authenticated certificates of Companionship to whom they may be issued.

He shall notify the Registrar and the Treasurer of all admissions to Companionship. He shall certify all acts of the Order and where required authenticate them under seal. He shall have charge of the printing and of the publications issued by the Order. He shall give due notice of the time and place of the holding of all Meetings of the Order and of the Council, and shall incorporate in such notice the names of all applicants for Companionship to be voted for at such meetings of the Council, and shall be present at the same. He shall keep fair and accurate records of all the proceedings and orders of the Order and of the Council, and shall give notice to each officer who may be affected by them, of all votes, resolutions and proceedings of the Order or of the Council, and at the Annual Meeting or oftener,

shall report the names of those Candidates who have been admitted to Companionship, and of those whose resignations have been accepted, and of those Companions who have been expelled for cause or dropped from the roll for failure to substantiate claim of descent. In his absence from any cause, the Deputy-Secretary shall act.

SECTION VII.

DEPUTY-SECRETARY.

The Deputy-Secretary shall perform the duties of Secretary at such times and to such extent as may be designated by the Secretary; and shall also act as Secretary at any Meeting of the Order or of the Council from which the Secretary may be absent.

SECTION VIII.

TREASURER.

The Treasurer shall collect and keep secure the funds and securities of the Order; and as often as such funds shall amount to one hundred dollars, they shall be deposited in some Bank in the City of New York, which shall be designated by the Council, to the credit of the Military Order of Foreign Wars of the United States, New York Commandery, and such funds shall be drawn thence on the check of the Treasurer for the purposes of the Order only. Out of these funds he shall pay such sums only as may be ordered by the Order or the Council, or such as the purposes of his

office may require. He shall keep a true account of his receipts and disbursements, and at each Annual Meeting shall render the same to the Order.

He shall have the charge and issuance of the Insignia of the Order ; keeping an accurate record of the same in the book for that purpose.

For the faithful performance of his duties he may be required to give such security as the Order may deem proper.

SECTION IX.

REGISTRAR.

The Registrar shall receive from the Secretary, file and keep all the proofs upon which Companionship shall have been granted ; declarations of Companions on admission of adherence to the Constitution and By-Laws of the Order, together with a list of all diplomas countersigned by him and all documents, rolls or other evidences of service in the War of the Revolution, the War with Tripoli, the War of 1812 and the Mexican War of which the Order may become possessed ; and he, under direction of the Council, shall make or cause to be made for filing in his office, copies of such original or certified documents as the owners thereof may not be willing to leave permanently in the custody of the Order.

SECTION X.

SURGEON.

The Surgeon shall be a practicing physician.

SECTION XI.

CHAPLAIN.

The Chaplain shall be a regularly ordained minister of a Christian denomination, and it shall be his duty to open and close all Meetings with customary services, and to perform such other duties as ordinarily appertain to such office.

SECTION XII.

COMPANIONS OF THE COUNCIL.

The Council shall judge of the qualifications of every candidate who shall make proper application for admission to the Order, and shall have power to admit such candidate to Companionship therein, if found eligible under the Constitution of this Order. One negative vote in five shall cause a rejection of the applicant. The Council may, through the Secretary, call Special Meetings of the Order at such times as they may see fit; and they shall arrange for Commemorative celebrations by the Order.

They shall generally superintend the interests of the Order and shall have the control and management of its affairs and funds.

They shall also perform such duties as may be prescribed by the Constitution and By-Laws of the Order, or required by any standing rule or resolve of the Order, provided however, that they shall at no time be required to take any action, nor contract any debt for which they may be jointly or severally liable.

They shall be competent to consent to and to accept the resignation or voluntary withdrawal from Companionship of any enrolled Companion of the Order. They may require the attendance of any Companion of the Order or any Officer or Committee thereof, at any Meeting for consultation and advice. The Council shall meet as often as the Companions thereof may desire; and shall also meet at the call of the Commander, or upon the written request of any two Companions of the Council, addressed to the Secretary.

A majority of the Council shall be a quorum for the transaction of business. At every Annual Meeting of the Order the Companions of the Council shall submit a general report of their proceedings during the year then closing; and shall also submit such report at such other time as may be required by the Order.

SECTION XIII.

VACANCIES AND TERMS OF OFFICE.

Whenever an Officer of this Order shall die, resign, neglect to serve, or be suspended, or become unable to perform his duties by reason of absence or other cause, and whenever an office shall be vacant which the Order shall not have filled by an election, the Council shall have power to appoint a Companion to such office *pro tempore*, who shall act in such capacity until the Order shall elect a Companion to the vacant office, or until the disability due to such absence or

other cause shall cease, provided however, that no Commander *pro tempore* shall be appointed by the Council while there shall be a Vice-Commander to discharge the duties thereof; and no Secretary *pro tempore* shall be appointed while there is a Deputy-Secretary to act. The Council may supply vacancies among the Companions thereof under the same conditions and may elect duly enrolled Companions of the Order to fill such vacancies. Subject to these provisions all Officers and all Companions of the Council shall from the time of their election continue in their respective offices until the next Annual Meeting of the Order or until their successors are duly elected.

SECTION XIV.

RESIGNATION.

No resignation of any Companion shall become effective unless consented to by the Council.

SECTION XV.

DISQUALIFICATION.

No person who may be enrolled as a Companion of this Order shall be permitted to continue in Companionship therein where his proof of eligibility shall be found to be defective.

The Council, after thirty days' notice to such Companion to substantiate his claim, and upon his failure satisfactorily so to do, may require the Secretary to

erase his name from the roll. The said person shall have a right to appeal to the Order at its next Meeting or at the Annual Meeting thereof. If such appeal shall be sustained by a two-thirds vote of the Companions present at such meeting, the name of said Companion shall be restored to the Companionship roll.

SECTION XVI.

COMMITTEE ON COMPANIONSHIP.

The Committee on Companionship shall consist of five Companions. They shall be chosen by ballot at the Annual Meeting of the Order and shall be elected for the period of one year. Three members of the Committee shall constitute a quorum. The proceedings of the Committee shall be secret and confidential and a candidate who has been rejected by the Council shall be ineligible for Companionship for a space of one year from the date of rejection, except by the unanimous vote of the Committee.

The Committee on Companionship shall have the power to make By-Laws for its Government and for other purposes not inconsistent with the Constitution of the Order.

SECTION XVII.

EXPULSION OR SUSPENSION.

Any Companion for cause or conduct detrimental or antagonistic to the interests or purposes of the Order, or for just cause may be suspended or expelled from

the Order. But no Companion shall be suspended or expelled unless written charges be preferred against such Companion to the Council.

The Council shall give reasonable notice of such charges and shall afford such Companion, a reasonable opportunity to be heard and to refute the same.

The Council after hearing such charges may recommend to the Order the expulsion or suspension of such Companion ; and if the recommendation of the Council be adopted by a majority vote of the Companions of the Order present at the Meeting of the Order at which such recommendation is presented such Companions shall be accordingly expelled or suspended and the Insignia and Diploma of such Companion shall thereupon be returned to and reclaimed by the Treasurer of the Order, and all rights of such Companion therein shall be extinguished or suspended. The Treasurer shall refund to the Companion so expelled or suspended the amount paid for such Insignia.

SECTION XVIII.

MEETINGS.

The Annual Meeting of the Order shall be held on the second Thursday of December in each year, at the City of New York.

Special and business Meetings may be called by the Commander at such times as in his opinion the interests of the Order demand the same and must be called by

the Secretary on the written request of three Companions. All notices of Meetings shall be sent, at least, ten days before the date of Meeting,

SECTION XIX.

SERVICE OF NOTICE.

It shall be the duty of every Companion to inform the Secretary by written communication of his place of residence and of his post office address, and of every change thereof. Service of any notice under the Constitution and By-Laws of the Order on any Companion addressed to his last known place of residence or Post Office address enclosed in a post paid wrapper and deposited in the mail, shall be a good and sufficient service of notice.

SECTION XX.

DIPLOMA.

Companions may receive a diploma as Companions, which shall be signed by the Commander, Secretary and Registrar.

SECTION XXI.

DECEASE OF COMPANIONS.

Upon the decease of any Companion residing within the State of New York, notice thereof and of the time and place of the funeral shall be given by the Secretary by publication, and all Companions who can conveniently attend the funeral services shall do so

and shall wear the Insignia of the Order as provided in the Constitution.

SECTION XXII.

ORDER OF BUSINESS.

1—Meeting called to order by Commander.

2—Prayer by Chaplain.

3—Reading of minutes of previous Meeting.

4—Election of Officers and Council when necessary.

5—Communications from or Report of Council.

6—Reports of Officers.

7—Reports of Special Committees.

8—Unfinished Business.

9—Written Communications requiring action of the Order.

10—Specially noticed Business.

11—Notices of motion for subsequent Meeting.

12—Miscellaneous Business.

13—Reading of the Institution of the Order.

14—Closing prayer by the Chaplain.

SECTION XXIII.

RECOMMENDATION OF CANDIDATES.

No Companion shall approve any application for Companionship in this Order unless he shall know the candidate to be personally worthy and shall have satisfied himself by due examination of proofs that such candidate is eligible, and also shall be satisfied that he will, if admitted, be a desirable Companion.

SECTION XXIV.

No alteration or amendment of the By-Laws of this Order shall be made unless notice thereof shall be duly given in writing signed by the Companion proposing same, at a previous Meeting of the Order, nor unless the same shall be adopted at a subsequent Meeting held at least thirty days after such notice by a vote of two-thirds of the Companions present.

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